

REMARKS

The Office Action mailed August 4, 2005, has been received and reviewed. By the present Response, Claims 1, 4, 5, 8, and 9 are amended, Claims 6 and 7 are withdrawn, and new Claims 10-22 are added. Currently pending in the application, then, are Claims 1-5 and 8-22, of which Claims 1 and 20 are independent. No new matter has been introduced by this Response.

Election/Restriction

Claims 6 and 7 are withdrawn, without traverse, and without prejudice.

Drawings

The drawings are objected to for not showing the removable bottom of the pail as recited in Claims 4 and 9. Enclosed is substitute drawing sheet 2, containing FIGS. 3-5. Please cancel drawing sheet 2 as filed and replace it with substitute drawing sheet 2. The amendments to this drawing sheet are the addition of the severable connection zone (e.g., score lines) in FIG. 3, and the addition of reference characters 26a (the side wall), 26b (the bottom), and 26c (the severable connection zone) in FIGS. 3 and 5. These elements are described in the specification at para. [0042] as filed, so no new matter is added by this amendment. In addition, para. [0042] of the specification is amended to include these reference characters added to the drawing figures.

In addition, FIGS. 3 and 4 are amended to include reference characters 12a and 12b, 16a and 16b, and 18a and 18b for the generally vertical and generally horizontal segments of the frame members. These elements are described in the specification at paras. [0032] and [0034] as filed, so no new matter is added by this amendment. Paras. [0032] and [0034] of the specification are amended to include these reference characters added to the drawing figures.

Claim Rejections Under 35 USC §§ 102 and 103

Claims 1-3, 5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Battison et al. (U.S. Pat. No. 6,009,571), and Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battison '571 in view of Battison (U.S. Pat. App. Pub. No. US2002/0002737). The rejections of these claims are traversed.

Claim 1 is amended to further define the structure that permits the claimed device to be collapsed *laterally* into the flat, compact configuration shown in FIGS. 3-5. On the other hand, Battison '571 discloses a device with diagonally arranged (i.e., criss-crossed) frame members that fold in a scissors-like motion, similar to the way that conventional folding chairs collapse. The claimed laterally collapsing feature is not disclosed by the cited prior art. For this reason, Claim 1 as amended is believed to be in condition for allowance.

Claims 2-5 and 8-9 are dependent from Claim 1. Accordingly, these claims are also believed to be in condition for allowance.

In addition, Claims 4 and 9 define the splash guard/collection pail having a severable connection zone for separating the removable bottom from the side wall to convert a pre-existing collection pail to a splash guard on-site, not at the manufacturing location. On the other hand, Battison '737 discloses a commode that includes either a pre-made collection pail or splash guard that can be interchangeably used with the commode. So the claimed device includes a single structure that can be used as a collection pail or splash guard, while the device of Battison '737 includes two separate structures for use as collection pails and splash guards. For this additional reason, Claims 4 and 9 as amended are believed to be in condition for allowance.

Furthermore, Claim 5 defines the seat having channels that are in a non-parallel arrangement for receiving two of the brace members, for example, as shown in FIGS. 15 and 17, which helps prevents lateral/horizontal and vertical movement of the brace members. On the other hand, Battison '571 discloses fingers defining parallel and co-

linear openings for a single frame member, which configuration does not restrict movement of the frame members. For this additional reason, Claim 5 as amended is believed to be in condition for allowance.

New Claims 10-22 recite detailed features of the present invention that are not found in the devices of Battison '571 or Battison '737 or any other known prior art. In particular, new Claims 10-13 further define the laterally collapsing feature described with respect to amended Claim 1. The elements included in Claims 10 and 13 are primarily described in the specification at paras. [0031] and [0032] and shown throughout the drawing figures, so no new matter has been added. And the elements included in Claim 11 and 12 are inherent in the specification and clearly shown in the drawings at FIGS. 1-5, so no new matter has been added.

New Claims 14-17 define the armrests and braces of the frame assembly and their interrelationship to achieve improved stability and strength of the frame assembly. The elements included in Claims 14 and 15 are primarily described in the specification at paras. [0034] and [0035] and shown throughout the drawing figures, so no new matter has been added. And the elements included in Claims 16 and 17 are primarily described in the specification at para. [0047] and shown in the drawings at FIGS. 6-8, so no new matter has been added.

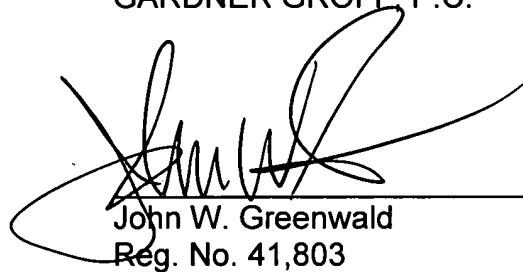
New Claims 18 and 19 recite the structure of the hinge brackets that permits the pivoting for lateral collapsing and the easy assembly and disassembly of the frame. The elements included in these claims are primarily described in the specification at para. [0046] and shown in the drawings at FIGS. 6-8, so no new matter has been added.

And new Claims 20-22 define in detail the example embodiments shown and described in the application.

CONCLUSION

In view of the amendments submitted herein and the above comments, it is believed that all grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Accordingly, the Applicant requests early and favorable action. Should there be any further questions, the Examiner is urged to telephone the Applicant's undersigned attorney at (770) 984-2300.

Respectfully submitted,
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